

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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8 BOBBI LARRINE POSNER,)
9 Plaintiff(s),) Case No. 2:11-cv-378-RLH-LRL
10 vs.)
11 AMERIPRISE AUTO & HOME)
INSURANCE AGENCY, INC. *et al.*,)
12 Defendant(s).)
13

14 Before the Court is Defendants' **Motion for a More Definite Statement** (#9, filed
15 April 29, 2011), their Supplement to the Motion (#10), Plaintiff's Opposition (#12), and Defendants'
16 Reply (#13).

17 Defendants complain that the Complaint is so vague and ambiguous that they are
18 unable to discern what actions they are accused of committing, posing potential risk of prejudice if
19 they guess wrong as to what Plaintiff claims they have done. Their complaint is well taken. The rule
20 requires a “short and plain statement” of a plaintiff’s claims. The Complaint is neither short, nor
21 plain. For example (and this is only one example), Paragraph 67 states that, pursuant to one or more
22 common laws, various sections of the Nevada Revised Statutes, or Nevada Administrative Codes
23 (followed by citing eight sections of one or the other) that insurance companies have certain duties.
24 It then lists, over two and one-half pages, Plaintiff’s counsel’s version of 27 general duties, without
25 reference to any specific statute or regulation. Then, Paragraph 28 simply alleges that Defendants
26 “have not followed one or more of those duties” in adjusting Plaintiff’s claim.

Although the Complaint attempts to identify some of the specific alleged failure of Defendants, there is no reference to which of the purported duties in Paragraph 27 the failures refer to. While the Complaint, poorly crafted as it is, does not fail to state a cause of action, it is unduly vague and ambiguous.

IT IS THEREFORE ORDERED that Defendants' **Motion for a More Definite Statement** (#9) is GRANTED, and Plaintiff shall file a more definite statement within thirty (30) days of the date of this Order.

IT IS FURTHER ORDERED that Plaintiff may comply with the above by filing an amended complaint or filing document entitled "More Definite Statement."

Dated: October 14, 2011.


Roger L. Hunt
United States District Judge